

SENATE RECORD VOTE ANALYSIS

105th Congress
1st Session

Vote No. 207

July 30, 1997, 11:02 am
Page S-8306 Temp. Record

DOLPHIN CONSERVATION ACT/Final Passage

SUBJECT: International Dolphin Conservation Program Act . . . S. 39. Final passage, as amended.

ACTION: BILL PASSED, 99-0

SYNOPSIS: As passed, S. 39, the International Dolphin Conservation Program Act, will allow countries that are in compliance with the International Dolphin Conservation Program (IDCP) to export tuna to the United States.

Background:

The United States currently has an embargo against tuna from countries that do not follow the United States' "dolphin-safe" standard for the eastern tropical Pacific (ETP) Ocean. The ETP stretches from southern California to Chile, and is a primary site of the yellowfin tuna fishery. The United States' standard requires an independent observer to be placed on any fishing boat large enough to use "dolphin sets" to make certain that such sets are not used. A "dolphin set" refers to a particular method of seine-net fishing. Tuna tend to congregate under dolphin schools. When a dolphin school is located, it is encircled with a net, the bottom of the net is then closed, and the net is hauled onto the boat. This method catches tuna but it also catches huge numbers of dolphins. At the height of its use, this method of fishing killed 350,000 dolphins per year. In 1990, due to public pressure, the three largest U.S. tuna processors announced that they would no longer purchase tuna caught in dolphin sets. In 1992, Congress banned the sale, purchase, transport, or shipment of tuna that did not meet the dolphin-safe test. It also enacted a 5-year moratorium on the encirclement method of fishing and offered to lift its tuna embargo against any country that committed to the same moratorium. No country has done so; the United States currently has embargoes against Colombia, Mexico, Panama, Vanuatu, and Venezuela, and intermediary boycotts against Costa Rica, Italy, and Japan. In 1992, the United States and ten other nations, including the five countries under the U.S. primary embargo, signed the voluntary La Jolla agreement, under which signatories work to reduce dolphin mortality in tuna fishing. A key advance has been the development of a dolphin-set method called the "back down" technique that greatly reduces dolphin injury and mortality rates. As a result of that agreement, mortality has declined from more than 15,000 in 1992 to 2,100 in 1996. In

(See other side)

YEAS (99)				NAYS (0)		NOT VOTING (1)	
Republican (54 or 100%)		Democrats (45 or 100%)		Republicans (0 or 0%)	Democrats (0 or 0%)	Republicans (1) (1)	Democrats (0) (0)
Abraham	Hutchinson	Akaka	Johnson			Faircloth- ²	
Allard	Hutchison	Baucus	Kennedy				
Ashcroft	Inhofe	Biden	Kerrey				
Bennett	Jeffords	Bingaman	Kerry				
Bond	Kempthorne	Boxer	Kohl				
Brownback	Kyl	Breaux	Landrieu				
Burns	Lott	Bryan	Lautenberg				
Campbell	Lugar	Bumpers	Leahy				
Chafee	Mack	Byrd	Levin				
Coats	McCain	Cleland	Lieberman				
Cochran	McConnell	Conrad	Mikulski				
Collins	Murkowski	Daschle	Moseley-Braun				
Coverdell	Nickles	Dodd	Moynihan				
Craig	Roberts	Dorgan	Murray				
D'Amato	Roth	Durbin	Reed				
DeWine	Santorum	Feingold	Reid				
Domenici	Sessions	Feinstein	Robb				
Enzi	Shelby	Ford	Rockefeller				
Frist	Smith, Bob	Glenn	Sarbanes				
Gorton	Smith, Gordon	Graham	Torricelli				
Gramm	Snowe	Harkin	Wellstone				
Grassley	Specter	Hollings	Wyden				
Gregg	Stevens	Inouye					
Hagel	Thomas						
Hatch	Thompson						
Helms	Thurmond						
	Warner						

EXPLANATION OF ABSENCE:

- 1—Official Business
- 2—Necessarily Absent
- 3—Illness
- 4—Other

SYMBOLS:

- AY—Announced Yea
- AN—Announced Nay
- PY—Paired Yea
- PN—Paired Nay

Compiled and written by the staff of the Republican Policy Committee—Larry E. Craig, Chairman

1995, the United States and 11 other nations which fish for tuna in the affected region signed the "Declaration of Panama" the provisions of which are called the International Dolphin Conservation Program (IDCP). The IDCP will set an initial maximum annual mortality limit of 5,000 for the ETP; that limit will then be gradually reduced. It will allow the sale of tuna in the United States that has been caught using a dolphin set if an independent observer does not observe and document any dolphin mortalities from that set. The declaration can only be implemented if the United States first enacts legislation: to drop its embargo on tuna caught in compliance with the IDCP; to open the American market to nations harvesting tuna in the ETP in compliance with the IDCP if they hold or are seeking La Jolla agreement membership; and to change the statutory definition of "dolphin-safe" tuna to tuna caught in a set in which no dolphin mortality was observed and documented by an observer. This bill is the legislation designed to meet those conditions.

Bill provisions:

- the existing embargoes on the harvest of yellowfin tuna by purse-seine vessels in the ETP caught in compliance with the IDCP will be lifted;
- tuna products will only be labeled "dolphin safe" if observers do not observe any dolphins killed or seriously injured in the harvesting of the tuna;
- alternative "dolphin-safe" labels will be allowed if minimum standards are met and if no attempt is made to mislead or deceive consumers;
- the change in labelling requirements will be delayed for 18 months while the National Oceanic and Atmospheric Administration (NOAA) conducts a \$12 million, 3-year study (with preliminary results to be issued in 18 months) to determine whether using the new types of dolphin sets has a significant adverse impact on dolphin stocks; if the preliminary finding is that it does not, the change will go into effect;
- the annual per-stock and per vessel mortality limits established in the IDCP will be adopted;
- U.S. fishermen will be allowed to participate in the IDCP by giving them a portion of the annual quota, allowing dolphin sets under IDCP procedures, and providing market access for tuna caught in compliance with the IDCP;
- the Secretary of Commerce will be given emergency regulatory authority over U.S. fishermen to reduce the mortality and injury of dolphins; and
- \$8 million will be authorized for research on the effects of dolphin sets and other methods of fishing, with a report to be issued in 5 years.

Those favoring final passage contended:

We are pleased that a compromise has been worked out on this bill. Opponents were primarily concerned with the "dolphin-safe" labelling provisions. They wanted a 3-year study of the new dolphin-set fishing techniques before changing the labelling requirements. The compromise is that no change will be made for 18 months. Also, some changes were made to the alternative labelling provisions. Those issues aside, we are very supportive of this bill. From 1986 to the present, the countries that fish in the ETP have improved tuna fishing methods to lower the dolphin mortality rate by 99 percent. The goal, which we believe is attainable, is to drive the mortality rate down to nearly zero. A major reason that countries have been able to reduce the rate so drastically is that they have come up with a new dolphin-set method of fishing that is less dangerous for dolphins than other methods of fishing. In prior years dolphin-set fishing was the most lethal for dolphins, but now it is much safer than alternative methods such as log or school sets. Further, those alternative methods are much more destructive of many other species that need protection, such as Mahi-mahi and blacktip sharks. The United States has in place embargoes against countries that use dolphin sets; because those sets are now safe, those embargoes are obsolete and should be removed. Every tuna boat that uses dolphin sets will have to have an independent observer aboard to certify that no dolphins were killed or seriously injured; otherwise, that tuna will not be labelled dolphin-safe. The World Wildlife Fund, the Environmental Defense Fund, the National Wildlife Federation, and the Center for Marine Conservation all support this bill because they know it will lead to lower dolphin mortality rates and lower mortality rates for other species. We urge our colleagues to support this bill as well.

No arguments were expressed in opposition to final passage.